SINGLE BENCH

P.R. No. 5183/06
Presented by Shri Bharat Rajput
dated 18/9/06

INTHE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W. P. (S) No. 5157 /2006

PETITIONER : **Disiram,** S/o Shri Jhaduram,
Aged about 44 years,
R/o - Near Old Jai Stambh, Bhadarapara,
Balco Nagar, Korba, Distt. - Korba (C.G.)

VERSUS

RESPONDENTS :

1. The Director (Karmik/Sayantra)
Bharat Aluminium Co. Ltd., Balco,
Korba, Distt. - Korba (C.G.)
2. The Sub-Director (Karmik)
Bharat Aluminium Co. Ltd., Balco,
Korba, Distt. - Korba (C.G.)
3. The Chief Managing Director
(Karmik/Prashasan)
Bharat Aluminium Co. Ltd., Balco,
Korba, Distt. - Korba (C.G.)
4. The Investigation Officer,
Bharat Aluminium Co. Ltd., Balco,
Korba, Distt. - Korba (C.G.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 5157 of 2006

Petitioner	Disiram
	Versus
Respondents	The Director (Karmik/Sayantra) Bharat Aluminium Co.Ltd. & others

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Bharat Rajput, Advocate for the petitioner.

ORDER

(21st September, 2006)

1. The petitioner has filed this petition challenging the validity of the impugned order dated 8.10.1993, whereby the services of the petitioner has been terminated after full fledged departmental enquiry.
2. The contention of learned counsel for the petitioner is that the petitioner was not afforded due opportunity of hearing in the departmental enquiry to defend his case and the departmental enquiry was conducted without issuing proper show cause notice.
3. It is clear from a perusal of the impugned order dated 8.10.1993 that for certain allegation of misconduct, charge sheet was issued to the petitioner on 15.9.1992. When the concerned authority was not satisfied with the reply of the petitioner then proper departmental enquiry was held and the petitioner was given due opportunities to participate in the enquiry but since the petitioner absented himself, therefore, the departmental enquiry was conducted ex-parte. The charges levelled against the petitioner were found proved in the departmental enquiry and in accordance with the provision of Section 30(1) of the Standing Orders the petitioner was terminated from service on 8.10.1993 (Annexure P/14).

4. The petitioner has filed this petition on 18.9.2006 i.e. after delay of about 13 years from the date of the passing of the impugned termination order dated 8.10.1993. No sufficient cause has been shown by the petitioner for such a long delay.

5. It is well settled principle of law in view of the decisions of the Supreme Court in the cases of Jagdish Narain Maltiar Vs. The State of Bihar and others[1], P. S. Sadasivaswami Vs. State of Tamil Nadu[2] and Karnataka Power Corporation Ltd. & Anr. Vs. V. K. Thangappan & Anr.[3] that repeated representations cannot justify a belated approach to the Courts. Entertaining belated approach would unsettle the settled maters, and the same should be avoided.

6. Looking from all angles, there is no merit in this case and as a result, this petition deserves to be and is dismissed accordingly.

Sd/-
Satish K. Agnihotri
Judge

[1](1973) 1 SCC 811), [2]{(1975) 1 SCC 152}, [3] {2006 AIR SCW 1828}

Thakur